

3. Eckstein's July 14, 1995, Meeting with Secretary Babbitt

At some point that afternoon, probably around 2:45 p.m., Goff drove Eckstein to Interior for the meeting with Secretary Babbitt. Eckstein knew that Havenick had been in touch with Berlin that day, and wanted to call Berlin before going in to see Babbitt, on the chance that Berlin would have some news of the effort to buy time, but Eckstein was not able to reach Berlin before seeing the Secretary.

At about 3:00 p.m., Babbitt met with Eckstein in the Secretary's private office.⁴⁵⁶ The two men sat alone in the middle of the large room, a few feet apart. Eckstein recalls he had come prepared with the binder of materials he used to support his arguments on the application. He began by explaining to Babbitt that he had met that morning with Duffy, and Duffy had told Moody and Eckstein that the application was being denied that day. Eckstein reminded Babbitt that he had earlier promised that the tribal leaders could come in for a meeting before such an action were taken, and Eckstein sensed that Babbitt had forgotten that statement, even though they had discussed it just three days earlier. To afford an opportunity for such a meeting, Eckstein asked Babbitt for an extension until the next business day, Monday, July 17, for issuance of the decision.

Eckstein testified that at this point – within two minutes of when they sat down and began the conversation – Babbitt said “words to the effect that Harold Ickes had called and directed him

⁴⁵⁶There is no specific record of the meeting time, but Babbitt's schedule for this date reflects an open period from 3:00 to 3:30 p.m., and records of phone traffic and Eckstein's airplane flight that afternoon suggest that this was likely the window that Babbitt's staff afforded Eckstein.